

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

Rosemary A. Gilroy

v.

Civil No. 07-cv-0074-JD

Ameriquist Mortgage Company, et al.

O R D E R

Proceeding pro se and in forma pauperis, Rosemary A. Gilroy brought suit against Ameriquist Mortgage Company ("Ameriquist"), Ameriquist Mortgage Company Mortgage Services, Inc. ("AMC Services"), and Citi Residential Lending, Inc. ("Citi"), alleging predatory lending practices in violation of New Hampshire law. The court granted summary judgment in favor of the defendants on Counts I, II, III, IV, and VI of Gilroy's amended complaint, and the only remaining claim in this case is the harassment claim, as alleged in Count V. The defendants move to amend the scheduling order and continue the trial date scheduled for the period beginning March 17, 2009, so that they may file an untimely motion for summary judgment on Count V. Although Gilroy has not yet responded to the defendants' motion to amend the scheduling order, to avoid further delay, the court will address the motion.

The deadline for submitting summary judgment motions was November 17, 2008. The defendants submitted their motion for summary judgment on November 17, in which they expressly excluded

Count V from their request for summary judgment. The defendants' current motion states that in light of the court's order granting summary judgment on all other counts (Order, Feb. 20, 2009, document no. 82), they now intend to seek summary judgment on Count V.

The defendants had the opportunity to address Count V in their November 17 summary judgment motion but expressly declined to do so. The summary judgment deadline expired over three months ago and trial is scheduled for the period beginning on March 17, 2009. The defendants have not shown good cause for allowing their untimely motion, which would require the trial to be rescheduled.

#### Conclusion

For the foregoing reasons, the defendants' motion to amend the scheduling order and continue the trial (document no. 85) is denied.

SO ORDERED.

/s/ Joseph A. DiClerico, Jr.  
Joseph A. DiClerico, Jr.  
United States District Judge

March 3, 2009

cc: Rosemary Gilroy, pro se  
Thomas Tretter, Esq.